THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

DATED: 22-11-2005

WRIT PETITION No.24822 OF 2005

Between:

V.Pushpa Leelavathi . . .Petitioner

And

The Addl. Agent to Government & Project Officer

Khammam, and others . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.24822 OF 2005

O R D E R:

The petitioner claims to be the owner of an extent of Ac.2.34 guntas of land in Survey No.8/2 of Kothapet Village, Bayyaram Mandal, Khammam District. The Mandal Revenue Officer, Bayyaram, the third respondent herein, initiated proceedings against the petitioner under the Andhra Pradesh Schedule Area Land Transfer Regulation 1 of 1959 read with 1 of 1970. The same was taken up as L.T.R.Case No.02/03/Bayyaram before the second respondent. Through his order, dated 11-05-2005, the second respondent directed eviction of the petitioner from the land and resumption of the same to the Government. Aggrieved thereby, the petitioner filed CMA.No.64 of 2005 before the first respondent together with an application for stay. The grievance of the petitioner is that though she presented the appeal and stay petition way back in May, 2005, the first respondent did not pass any orders either in the appeal or in the stay petition so far and in the meanwhile, the third respondent is taking steps to evict her and therefore, she seeks appropriate directions.

Heard the learned counsel for the petitioner and learned Government Pleader for Social Welfare.

The petitioner availed the statutory remedy of appeal before the first respondent, against the order of eviction passed by the second respondent. She also filed an application for stay. In the very nature of things, the first respondent ought to have taken up the application for stay without any delay. If the petitioner is evicted even while the appeal is pending, nothing remains to be decided by the first respondent.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing that the order, dated 11-05-2005, passed by the first respondent shall remain suspended till the disposal of the appeal by the first

respondent. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

22nd NOVEMBER, 2005.

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